

Remarks

Claims 1-15, 18-20, and 23-28 are pending upon entry of the foregoing amendments.

Applicants thank the Examiner for the helpful telephonic interview with the undersigned on February 9, 2006, wherein the undersigned and the Examiner discussed how the mounting ring of applicants' devices differed from the teachings of the cited prior art.

The withdrawal of the prior rejections is acknowledged with appreciation.

Amendments to the Claims

Claims 1 and 24 have been amended to specify that the mounting ring of the device includes at least one first lip such that the one or more retaining tabs and the at least one first lip cooperate to secure the ceramic substrate therebetween, and at least one second lip such that an edge of an orifice in the oven vent can be locked into place between the one or more locking tabs and the at least one second lip to secure the catalytic converter device within the orifice of the oven vent. Support for this amendment is found at least at original claims 16 and 17; FIGS. 4A, 4B, and 4D; and page 8, lines 13-30.

Claims 16 and 17 have been canceled. Claim 18 has been amended to comport with claim 1 as amended. No new matter has been added.

Rejection Under 35 U.S.C. § 102

Claims 1 and 24-25 were rejected under 35 U.S.C. § 102(a) as anticipated by German Patent Publication DE 019912453 to Mlotek et al. (hereinafter "Mlotek"). The rejection is respectfully traversed.

Applicants have developed an improved mounting ring for a catalyst/substrate to be installed in an oven vent. Advantageously, the mounting ring is a unitary device which can

provide quick, one-step securement of a catalyst/substrate and mounting into an oven vent. On the other hand, Mlotek discloses a multi-piece device that requires several steps to assemble and mount the catalyst in an oven vent (as shown in FIG. 3): (i) engage assembly flaps **69** of a filter cover **59** with the contact surfaces **71** on the vent cover wall **41**, and (ii) insert screws through holes **65** and **51** to screw the filter cover **59** to the ventilator base plate **47**, (iii) insert the catalyst into filter can **57**, and then (iv) secure the filter can **57** onto filter cover **59** with tabs **83** under flange **81**.

As the Examiner agreed in the telephone interview when pointed out by the undersigned, assembly flaps **69** extend from filter cover **59**, which is not a body in the shape of a ring. In fact, Mlotek calls the filter cover “plate shaped” (translation, p. 5, line 9). Thus, the assembly flaps **69** clearly do not extend from a ring-shaped body. Mlotek therefore necessarily fails to disclose “locking tabs extending from the body [which is in the shape of a ring, for] engagement with one or more surfaces of the oven vent” as required by the devices of Applicants’ claims 1 and 24 (and claims dependent thereon). Furthermore, Mlotek fails to disclose *retaining* tabs that *extend inwardly* from the upper edge portion of a ring shaped body.

Similarly, Mlotek fails to disclose both first retaining tabs and second retaining tabs which extend from a body having an opening in the shape of ring, wherein the retaining tabs cooperate to secure the screen or substrate within the opening and to clip the device within a vent, as required by the devices of Applicants’ claim 25 (and claims dependent thereon).

Applicants’ claims therefore are all novel over Mlotek.

Rejections Under 35 U.S.C. § 103

Claims 1-5, 8-20, and 23-28 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 3,785,778 to Burstein et al. (hereinafter "Burstein") in view of Mlotek. Claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over Burstein in view of Mlotek and further in view of U.S. Patent 3,536,457 to Henderson. Claim 7 was rejected under 35 U.S.C. § 103(a) as obvious over Burstein in view of Mlotek and further in view of Applicants' prior art admission. The rejections are respectfully traversed.

As detailed below and in the attached Second Declaration under 37 C.F.R. 1.132 by Mr. Robert Mitchell (hereinafter "the Mitchell Declaration"), the cited prior art fails to establish a *prima facie* case of obviousness of the claims as amended.

Burstein

Burstein discloses a smoke elimination device that can be mounted above a food cooker. It includes an oxidation chamber **18** which includes a pot **47** that is open at the bottom and top and holds blocks **6, 7, 8**, which are coated with an oxidation catalyst. At the bottom of the pot **47** is an inwardly direct flange **53**, and at the top of the pot is an outwardly directed flange **63**, which is secured by screws **61** to the insulating chamber **17** (FIG. 3; Col. 7, Lines 12-15).

Burstein fails, however, to disclose or remotely suggest a mounting ring that has a retaining tab extending inwardly from the upper edge portion and which cooperates with a first lip to secure the catalyst blocks therebetween. Referring to FIG. 3, Burstein has *no tabs or any structure at the upper end* to secure the blocks. Only gravity appears to be keeping blocks **6, 7, 8** supported within pot **47** on one end by flange **53**.

Furthermore, Burstein fails to disclose or suggest a mounting ring that has a locking tab and a second lip which both extend outwardly from the ring such that an edge of an orifice in an oven vent can be locked into place between the locking tab and the second lip to secure the catalytic converter device within an orifice of an oven vent. Again referring to FIG. 3, nothing in Burstein remotely would indicate the possibility or desirability of modifying flange 56 and adding a locking tab to secure the device within an orifice of an oven vent, particularly, since it would appear that it would also require a complicating modification to insulating chamber 17.

There Is No Motivation to Combine Burstein and Mlotek

One of ordinary skill in the art would not have been led to combine Mlotek with Burstein as suggested by the Examiner, because the Mlotek device would be inoperable with the Burstein device, without substantial redesign of not just rectangular pot 47 but also chamber 17. For instance, the pot 47 of Burstein is designed to be installed *from above* by loading it into the top of the chimney 5. In contrast, Mlotek requires that the filter cover assembly flaps 69 be inserted into corresponding assembly recesses 67 *from below* to engage contact surfaces 71. Thus, modification of Burstein to include assembly flaps would require removal of the portion of the insulating chamber 17 surrounding the pot 47 because the insulating chamber itself would impede engagement of the assembly flaps with the top of the insulating chamber from below. Such a modification would change the installation and operation of Burstein. One of ordinary skill in the art at the time of Applicants' invention therefore would not have been led to combine Burstein with Mlotek. See ¶¶ 4, 5, and 7 of the Mitchell Declaration.

The Combination of Burstein and Mlotek Fails to Suggest Applicants' Claimed Devices

Even if Burstein and Mlotek were combined, the combination fails to suggest the particular combination of elements defining Applicants' claimed devices. One of ordinary skill in the art would not have been led from the teachings of Burstein and Mlotek to derive the particular structures claimed by the Applicants. For example, Burstein teaches that it is *unnecessary* for the catalytic materials to be locked into place within rectangular pot 47, as they are supported only from the bottom. Accordingly, the skilled artisan would not have been motivated to modify pot 47 to include a first lip and retaining tabs that cooperate to secure the ceramic substrate therebetween, as required by claim 1.

Furthermore, the skilled artisan would not have been led to replace the flange 63 and screws 61 of the Burstein device with the particular device securement features in Applicants' claimed devices. That is, neither Burstein nor Mlotek remotely teach a device having locking tabs and a second lip which extend outwardly from a ring shaped body such that an edge of an orifice in an oven vent can be *locked into place between the locking tab and the second lip to secure the catalytic converter device within the orifice of the oven vent*. For instance, modification of Burstein to include the assembly flaps 69 would also require modification of Burstein to include the corresponding assembly recesses 67 of Mlotek into which the assembly flaps are inserted. However, there is not the slightest suggestion in Burstein or Mlotek as to where assembly recesses 67 should or could be placed to be able to secure pot 47 to the insulating chamber 17. Thus, the combination of Burstein and Mlotek does not provide any motivation to derive the particular devices claimed by Applicants here. See ¶¶ 4, 5, and 7 of the Mitchell Declaration.

In addition, one of ordinary skill in the art at the time of Applicants' invention would not have had any motivation to substitute flanges screwed into the top of a chamber with assembly flaps because the two are taught not to be equivalent. Mlotek clearly teaches that the assembly flaps 69 alone are insufficient to secure the filter cover 59 to the cover wall 41 because the complete assembly involves (1) preassembly by engaging the assembly flaps of the filter cover with the contact surfaces 71 on the cover wall and (2) final assembly by screwing the filter cover to the ventilator base plate 47. Thus, the combination of Burstein and Mlotek clearly does not disclose or suggest the claimed structures for locking the catalytic converter device into an orifice of an oven vent without screws. See ¶ 7 of the Mitchell Declaration.

Furthermore, nothing in Burstein or Mlotek remotely suggests the substantial modifications to either of their devices that would be required to derive the device of Applicants' claim 25. Claim 25 requires *first and second retaining tabs* extending from the body over edge portions of the first and second surfaces of the substrate or screen, respectively, to secure the substrate or screen within the opening. Burstein or Mlotek does not teach such a particular configuration. See ¶ 6 of the Mitchell Declaration.

In sum, Mlotek and Burstein do not provide to one of ordinary skill in the art the required clear and particular teaching to modify the Burstein device to derive Applicants' claimed devices. Accordingly, no *prima facie* case of obviousness is established for any of Applicants' claims as amended.

Conclusions

For the foregoing reasons, the claims are novel and nonobvious over the prior art of record. Allowance of each of claims 11-15, 18-20, and 23-28 is therefore respectfully solicited.

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AMENDMENT AND
RESPONSE TO OFFICE ACTION

The undersigned respectfully invites the Examiner to contact him by telephone (404.853.8068) if any outstanding issues can be resolved by conference or examiner's amendment.

Respectfully submitted,



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